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FACSIMILE TRANSMITTAL SHEET

TO:	Mail Stop Amendment Examiner Anuradha Ratana	FROM:	Kari H. Baringale
COMPANY:	U.S. Patent & Trademark Office	DATE:	APRIL 10, 2007
FAX NUMBER:	571-273-8300	TOTAL NO. OF PAGES INCLUDING COVER:	4
PHONE NUMBER:	571-272-4718	SENDER'S REFERENCE NUMBER:	1066-004US01
RE:	Response to Office Action dated February 2, 2007	YOUR REFERENCE NUMBER:	09/733,302

☐ URGENT ☒ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY

NOTES/COMMENTS:

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****RECEIVED  
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Applicant: Steven R. Cohen; Ralph E. Holmes; J. Peter Amis;  
Horst R. Fichtner; Stefan M. Lemperle  
Confirmation No. 2992

Serial No.: 09/733,302  
Customer No.: 28863

Filed: December 8, 2000

Examiner: Anuradha Ramana

Group Art Unit: 3733

Docket No.: 1066-004US01

Title: **PARTIALLY RESORBABLE CONNECTIVE TISSUE DISTRACTION  
DEVICES AND TECHNIQUES**

CERTIFICATE UNDER 37 CFR 1.8 I hereby certify that this correspondence is being transmitted  
via facsimile to the United States Patent and Trademark Office on April 10, 2007

By: [Signature]  
Name: Karen Sorensen

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action mailed February 2, 2007, the period of response for which runs through May 2, 2007, we are transmitting herewith the attached correspondence relating to this application:

- ☒ Transmittal sheet containing Certificate of Facsimile  
☒ Terminal Disclaimer (2 pgs.)

Please apply any charges not covered, or any credits, to Deposit Account No. 50-1778.

Date: April 10, 2007

By: [Signature]  
Name: Kari H. Bartingale  
Reg. No.: 35,183

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Commissioner for Patents  
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Dear Sir:

The owner of record, Medtronic MacroPore, Inc., of a 100 percent interest in the above-identified application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the term of any patent granted on copending U.S. Application Serial No. 10/920,505 and U.S. Patent No. 6,786,910. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors and/or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims

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cancelled by a reexamination certification, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney of record.

Date:

April 10, 2007

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By:

Kari H. Bartingale  
Name: Kari H. Bartingale  
Reg. No.: 35,183